



CANNON BUILDING
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STATE OF DELAWARE
DEPARTMENT OF STATE

DIVISION OF PROFESSIONAL REGULATION

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PUBLIC MEETING NOTICE:

BOARD OF DENTAL EXAMINERS

DATE AND TIME:

Thursday, May 20, 2010 at 4:30 p.m.

PLACE:

861 Silver Lake Boulevard, Dover, Delaware
Conference Room B, second floor of the Cannon Building

APPROVED:

June 17, 2010

MEMBERS PRESENT

Neil McAneny, DDS, Professional Member, President
Blair Jones, DMD, Professional Member, Secretary
Thomas Cox, DDS, Professional Member
John Lenz, DDS, Professional Member
Robert Director, DDS, Professional Member
Lauren Coyle, RDH, Professional Member
Debra Bruhl, RDH, Hygiene Advisory Member
Fay S. Rust, RDH, Hygiene Advisory Member
John M. Kirby, Public Member
Danna Levy, Public Member (entered during hearing at 5:25 p.m.)

MEMBERS ABSENT

James King, Public Member
Bonnie L. Thomas, RDH, Hygiene Advisory Member

DIVISION STAFF/DEPUTY ATTORNEY GENERAL PRESENT

Patricia Davis-Oliva, Deputy Attorney General
Renee' Holt, Administrative Specialist II
Michele Urbaniak, Administrative Specialist II

OTHERS PRESENT

Dr. Khalid Chaudry
Jean Betley, Investigator, Division of Professional Regulation (hearing witness)
Jennifer Myer, Administrative Specialist II, Division of Professional Regulation (hearing witness)

CALL TO ORDER

Dr. McAneny called the meeting to order at 4:49 p.m.

REVIEW AND APPROVAL OF MINUTES

March 25, 2010 – Ms. Rust made corrections in the attendance; Ms. Rust was not present and Ms. Bruhl was present. Dr. Lenz made a motion to approve with changes, seconded by Dr. Jones. The motion was unanimously approved.

Dr. McAneny requested Ms. Bruhl introduce herself to the Board. Ms. Bruhl introduced herself. Dr. McAneny introduced Dr. Thomas Cox as the newest member of the Board. Dr. Cox greeted the Board.

HEARING – Khalid Chaudry

The Delaware Board of Dental Examiners held a hearing on May 20, 2010, at 4:45 p.m. in Conference Room B at the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware.

PRESENT: Fay Rust, RDH; Debra Bruhl, RDH; Laureen Coyle, RDH; Thomas Cox, DDS; Robert Director, DDS; Neil McAneny, DDS; John Lenz, DDS; John Kirby

RECUSED: Blair Jones, DMD

EXCUSED: James King

ABSENT: Danna Levy

PURPOSE: *Disciplinary Hearing Pursuant to 24 Del. Code §1922*

PRESIDING: Neil McAneny, DDS, President

BOARD STAFF: Renee' Holt, Administrative Specialist II; Michele Urbaniak, Administrative Specialist II

DEPUTY ATTORNEY GENERAL FOR THE BOARD: Patricia Davis-Oliva, Esq.

DEPUTY ATTORNEY GENERAL FOR THE STATE: Barbara Gadbois, Esq.

RESPONDENT: Dr. Khalid Chaudry

COUNSEL FOR THE RESPONDENT: None

WITNESSES FOR THE STATE: Jean Betley, Investigator, Division of Professional Regulation
Jennifer Myer, Administrative Specialist II, Division of Professional Regulation

WITNESSES FOR THE RESPONDENT: None

COURT REPORTER PRESENT: Recorded via Digital Recording System to CD as MP3 file

TIME STARTED: 4:51 p.m.

Ms. Davis-Oliva read the purpose of the hearing. Ms. Davis-Oliva requested the Board introduce themselves. Then Ms. Davis-Oliva requested the State Prosecutor and Respondent introduce themselves. Ms. Davis-Oliva explained how the hearing would proceed. Ms. Davis-Oliva confirmed Dr. Chaudry was aware of his right to be represented by counsel and that he was present without representation at this hearing. Dr. Chaudry confirmed he was aware of his right to representation and that he was present without legal counsel. Ms. Gadbois made opening statements. Dr. Chaudry made opening statements.

Ms. Gadbois called her first witness, Ms. Jean Betley, to testify. Ms. Betley was sworn in by Ms. Davis-Oliva. Ms. Gadbois questioned Ms. Betley. Ms. Betley gave testimony. Ms. Gadbois reviewed documents with Ms. Betley. Ms. Gadbois entered the documents as States Exhibit 1. Ms. Gadbois had no further questions for Ms. Betley. Dr. Chaudry had no questions for Ms. Betley. The Board had no questions for Ms. Betley. The Board reviewed the documents entered as States Exhibit 1. Ms. Gadbois called her second witness, Ms. Jennifer Myer. Ms. Myer was sworn in by Ms. Davis-Oliva. Ms. Gadbois questioned Ms. Myer. Ms. Myer gave testimony. Ms. Gadbois requested Ms. Myer provide Dr. Chaudry's original examination answer sheet for review. Ms. Myer produced the requested document. Dr. Chaudry reviewed the document. Ms. Gadbois questioned Ms. Myer regarding the original examination answer form. Ms. Myer responded. Dr. Chaudry questioned Ms. Myer. Ms. Myer gave testimony. Ms. Gadbois further questioned Ms. Myer. Ms. Myer gave testimony. Ms. Gadbois asked to have the original examination report for Dr. Chaudry entered as State's Exhibit 2 and provided the document for the Board to review. Ms. Gadbois did not have any further questions. Dr. Chaudry did not have any further questions. Dr. Director stated he met Dr. Chaudry at one point in his office while Dr. Chaudry prepared radiographs. Ms. Davis-Oliva gave legal counsel and advised Dr. Director it was a personal choice if he felt he needed to recuse himself. Dr. Director confirmed he did feel he could be unbiased in his decision-making. Ms. Davis-Oliva asked Ms. Gadbois and Dr. Chaudry if they had any objection to Dr. Director continuing to hear testimony. Ms. Gadbois and Dr. Chaudry both confirmed that they had no objection to Dr. Director participating in the hearing. The Board questioned Ms. Myer. Ms. Myer gave further testimony. Ms. Gadbois rested the State's case. Dr. Chaudry was sworn in by Ms. Davis-Oliva. Dr. Chaudry gave testimony. Ms. Gadbois questioned Dr. Chaudry. Dr. Chaudry responded. Dr. McAneny questioned Dr. Chaudry. Dr. Chaudry gave testimony. Mr. Kirby questioned Dr. Chaudry. Dr. Chaudry gave testimony. Dr. Chaudry rested his case. Ms. Gadbois gave closing arguments. Dr. Chaudry gave no closing argument. Ms. Davis-Oliva advised the Board would go off the record for deliberations at 6:08 p.m. After discussion, the Board went back on the record at 6:19.

FINAL ORDER: Dr. McAneny made a motion, seconded by Dr. Director, that based on the evidence and testimony presented, Dr. Khalid Chaudry will be prohibited from taking the clinical examination for a period of 5 years from today (5/20/10). The motion was passed by a quorum of the Board, with Dr. McAneny voting against his own motion.

The Meeting recessed at 6:24 p.m.
The Meeting reconvened at 6:37 p.m.

UNFINISHED BUSINESS

Review and Reporting of Renewal Audit Documents – Dr. McAneny made a motion, seconded by Ms. Bruhl, to send a letter to all late submission candidates stating that the Board would not take disciplinary action at this time, but any future late submissions would require disciplinary action. Dr. McAneny also confirmed with Ms. Holt that any late responders to the current audit would be flagged for the next audit. The motion was unanimously approved. Dr. McAneny made a motion, seconded by Mr. Kirby, to approve all audits that were complete, including those from late responders. The motion was unanimously approved. Dr. McAneny made a motion, seconded by Ms. Coyle, to propose to deny licensees who have not responded to audit requests. The motion was unanimously approved.

Dentist Audit Review

Dr. Jay M. Bukzin - Approved

Dr. David A. King - Approved

Dr. Keith T. Nguyen - Approved

Dr. Nicholas J. Russo (No Response) – Proposed to Deny

Dr. Richard J. Tananis (Give Kids a Smile) – Dr. McAneny read Dr. Tananis' letter to the Board. After some discussion, Dr. Director made a motion, seconded by

Ms. Bruhl, to approve Dr. Tananis' CPE credits claimed for "Give Kids a Smile" this year, but that in the future, charitable events like Give Kids a Smile, Special Olympics, etc, will not be eligible as approved CPE. The motion was unanimously approved. Ms. Holt will contact Dr. Tananis with the Board's decision.

Dr. Charles J. Veith, III (No Response) – Proposed to Deny

Dental Hygienist Audit Review

Tracey L. Alvarez - Approved

Debra L. Conner (Received Late) – Approved; Send a letter regarding late response.

Amy S. Cziraky (No Response) – Proposed to Deny

Anne E. Green (No Response) – Proposed to Deny

Shirley A. Guilday - Approved

Jessica Janowski - Approved

Liza A. Orlando - Approved

Brittany A. Pierson-Perry - Approved

Kathleen Santilli (Received Late) – Approved; Send a letter regarding late response.

Kimberly A. Turk (No Response) – Proposed to Deny

NEW BUSINESS

Interpretation of Law - Chapter 11 §1124(a)(3) – Ms. Davis-Oliva advised the Board of the definition of "Practice of Dentistry" defined in Ch 11 §1101(8). The Board discussed the definition and how it applies to §1124(a)(3). Dr. McAneny stated he did not feel teaching fulfills the requirements of a GPR and therefore cannot be applied to the requirement of 3 years of dental practice. Dr. McAneny made a motion, seconded by Dr. Lenz, that the Board not accept years of instruction in oral medicine as being an adequate substitute for three years of active dental practice. The motion was unanimously approved.

Dental Licensure Application

Dr. Alaa Mohsen – Ms. Holt summarized for the Board the communication between Dr. Mohsen and the Division of Professional Regulation. Dr. McAneny reviewed the applicant's file. Dr. Lenz made a motion, seconded by Dr. McAneny, to return Dr. Mohsen's application with a letter citing §1122(a)(1)(2)(3)(4) and (c). The motion was unanimously approved.

Dr. McAneny advised that active dental practice should be clearly defined in the Rules and Regulations, and requested that it be brought to the Board for discussion at a later meeting.

Licenses Issued March 9, 2010 thru May 10, 2010 – Ratify

Dentist License

None

Dentist Limited License (Resident)

None

Dr. Jones made a motion, seconded by Dr. Director, that all licenses and permits presented to the Board for ratification be approved. The motion was passed by a quorum of the Board, with Dr. McAneny recusing himself from the vote.

Dental Hygienist License

Lisa Klassman (4/8/10) - Approved

Baongan T. Huynh (4/22/10) - Approved

Maria V. Czank (4/23/10) - Approved

Restricted Permit I

Dr. Jay J. Harris (4/6/10) - Approved

Dr. George T. Derenzo (4/30/10) - Approved

Restricted Permit II

Dr. Neil G. McAneny (3/23/10) - Approved

Dr. Kathy Zinas Kirifides (3/23/10) - Approved

Unrestricted Permit

None

COMPLAINTS

Status Report

Complaint 09-07-09 – Forwarded to Attorney General's Office (Needs to be reassigned)

Complaint 09-11-09 – Closed

Complaint 09-12-09 – Closed

Complaint 09-14-09 – Closed

Complaint 09-15-09 – Forwarded to Attorney General's Office (Dr. McAneny)

Complaint 09-16-09 – Closed

Complaint 09-17-09 – Closed

Assignment

Complaint 09-10-10 (Dr. Director)

BOARD MEMBER REPORTS

Dr. Lenz – Al DuPont Children's Hospital Site Visit Report – Dr. Lenz reported on the site visit that was held by the ADA. Dr. Lenz reported he was questioned why Delaware had its own dental exam. Dr. Lenz responded the Board felt they had a comprehensive examination on live patients.

Dr. Director gave a report on the ADA Mid-Year meeting in Chicago focusing on *The Changing Scope of Practice in Dentistry*. Dr. Director will forward his written report to Ms. Holt for distribution to the Board for their information.

CORRESPONDENCE

Beyond Dental & Health – Request for Formal Statement – Cosmetic Teeth Whitening – Dr. McAneny reviewed the request with the Board. Dr. McAneny read the Ohio State Dental Board determination and summarized the responses from the other states. Dr. McAneny clarified the responses were specific that the salon employees could not place their hands in a client's mouth. Dr. Director commented the strength of the solution is less than the strength that dentists use. Dr. Director suggested the decision be similar to the Ohio letter, identifying that the client may purchase the product, apply the product themselves, apply the light themselves, and not be assisted physically in any way by the salon employees. Dr. Director also suggested that the strength of the product be limited to the 6% hydrogen peroxide solution identified in the test materials. The Board concurred.

ADA 2010 Survey of Legal Provisions for Delegating Intraoral Functions to Dental Assistants and Dental Hygienists – Ms. Holt will send a letter to the ADA that the Board is currently unable to respond due to the current legislative review.

REVIEW OF DRAFT APPLICATIONS

New Limited License as required in §1132a – After some discussion, Dr. Director made a motion, seconded by Mr. Kirby, to remove item 13 from the Limited License application.

Anesthesia Permit applications – Dr. McAneny made a motion, seconded by Dr. Jones, to accept the revised applications. After some discussion, Dr. McAneny withdrew his motion. Dr. Director made a motion, seconded by Mr. Kirby, to table the application until it has been formatted into a final form. The motion was unanimously approved.

OTHER BUSINESS BEFORE THE BOARD (FOR DISCUSSION ONLY)

PUBLIC COMMENT

NONE


NEXT MEETING

The next Board meeting will be Thursday, June 17, 2010, at 4:30 p.m.

ADJOURNMENT

Mr. Kirby made a motion, seconded Dr. Director, to adjourn at 8:10 p.m. The motion was unanimously passed. Dr. McAneny made a motion, seconded by Dr. Director, to reconvene the meeting at 8:13 p.m. Ms. Davis-Oliva read a request by the Director of the Division of Public Health. Ms. Davis-Oliva will respond to the letter. Dr. Lenz made a motion, seconded by Dr. Jones, to adjourn the meeting at 8:21 p.m. The motion was unanimously approved.

Respectfully Submitted,



Michele Urbaniak
Administrative Specialist II